



South Carolina
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October 22, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk/Executive Director
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Docket 2021-324-WS
Application of Kiawah Island Utility, Inc. to Increase Rates
Department of Consumer Affairs Comments on Proposed Procedural Schedule

Dear Ms. Boyd:

The Department of Consumer Affairs (the "Department") submits this letter in response to Order 2021-150-H requesting comments on staff's proposed procedural schedule. It is our opinion the proposed schedule provides too much time for the applicant to submit its direct testimony and subsequently does not provide enough time for the filing of intervenor direct testimony or the applicant's rebuttal testimony. Instead, the Department proposes the following schedule

- Applicant Direct: January 25
- Other Parties Direct: February 22
- Rebuttal: March 8
- Surrebuttal: March 22
- Public Hearings: March 24 and 25 (or any other days during this or the following week)
- Hearing: Week of April 4
- Commission Order Deadline: Tuesday, May 31 (Note: Memorial Day is May 30)
- Commission Order Deadline with Statutory 5-day Extension: Monday, June 6

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As a comparison to staff's schedule, the Department's proposed schedule provides:

- 8 weeks between KIU's application and direct, instead of 11 weeks as initially proposed
- 4 weeks between KIU's direct and intervenors' direct, instead of 2 weeks
- 2 weeks between intervenor direct and KIU rebuttal, instead of 1 week
- 2 weeks between rebuttal and surrebuttal, instead of 1 week
- Approximately 2 weeks between surrebuttal and the hearing under both proposals
- 8 weeks between hearing and order due date, instead of 9 weeks

We believe this schedule provides ample time for the parties to conduct discovery and prepare testimony, as well for the Commission to address any pre-hearing motions, review proposed orders, and issue its final order. Should the Commission determine a different schedule is more suitable, **we respectfully request 4 weeks between applicant direct testimony and intervenor direct testimony.**

For future consideration, we would also like to reiterate scheduling comments we have made in prior filings.¹ Due to the limited 6-month timeframe between applications and orders, companies should be required to submit direct testimony at the time of filing applications for rate cases. In the alternative, we believe allowing utilities one to two months to prepare direct testimony is more than adequate.

The primary purpose of direct testimony should be to support the company's application. Utilities have months to prepare applications for filing; therefore, they should have testimony already prepared (or close to being finalized) at the time of application filing. Further, applications typically contain very little in the way of supporting information. For example, applications rarely contain any supporting data, spreadsheets, or formulas. These items are typically provided in discovery or in the company's direct testimony. By allowing a utility two to three months to file its direct testimony, other parties have very little information to assess, and the remaining schedule is unnecessarily condensed. It drastically reduces the time for other parties to review the company's testimony and prepare discovery relevant to those filings, before submitting their own testimony. It also limits the amount of time the Commission has to consider testimony, motions, and proposed orders. Allowing more time for these aspects of a rate case would lead to more thorough, informed hearings and final orders.

We appreciate the Commission's consideration of these comments.

Regards,

Roger Hall, Deputy Consumer Advocate

¹ See the Department's October 22, 2021 letter in this docket, as well as comments filed in dockets 2020-247-A and 2021-291-A